

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

BOGART, LLC, A DELAWARE LIMITED LIABILITY COMPANY,)	
)	
)	
Plaintiff,)	
v.)	CASE NO. 3:10-CV-39 (CDL)
)	
ASHLEY FURNITURE INDUSTRIES, INC. (D/B/A ASHLEY FURNITURE),)	
ASHLEY FURNITURE HOMESTORE,)	
AND DOES 1 THROUGH 10, INCLUSIVE,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION *IN LIMINE* NO. 4 TO LIMIT DAMAGES FOR
PLAINTIFF'S MISAPPROPRIATION OF RIGHT OF PUBLICITY
CLAIMS TO DAMAGES BASED UPON SALES ONLY IN THE
STATES OF GEORGIA, CALIFORNIA, AND/OR WASHINGTON**

Defendants Ashley Furniture Industries, Inc. and Ashley Homestores Limited (collectively “Ashley” or “Defendants”), pursuant to Federal Rule of Evidence 401, 402, 403 and 404, hereby submit this motion *in limine* requesting this Court to limit evidence of the available damages for Plaintiff Bogart, LLC’s claims for misappropriation of the right of publicity to only those damages based upon sales occurring within whichever of the three states’ asserted laws that the Court decides to apply: Georgia, California, or Washington.

As support, Defendants submit their contemporaneously-filed memorandum, which sets forth Defendants' citations of authority and arguments.

Respectfully submitted, this 25th day of September, 2012.

/s/ Matthew L. Jamison

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ASHLEY FURNITURE HOMESTORE,)
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)

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on September 25, 2012 a true and correct copy of the foregoing was filed using this court's CM/ECF system which will delivery e-mail notification to all counsel of record, including:

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